

ITEM 7
MANAGER'S REPORT NO. 31
COUNCIL MEETING 1984 04 24

RE: B. C. TRANSIT REQUEST FOR AERIAL RIGHT-OF-WAY CENTRAL PARK
PATTERSON STREET STATION

MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the recommendation of the Director Recreation & Cultural Services be adopted.

* * * * *

1984 APRIL 18

TO: MUNICIPAL MANAGER
FROM: DIRECTOR RECREATION & CULTURAL SERVICES
RE: B.C. TRANSIT REQUEST FOR AERIAL RIGHT-OF-WAY
CENTRAL PARK - PATTERSON STREET STATION

RECOMMENDATION:

1. THAT Council consent to the Ministry of Lands, Parks, and Housing granting an aerial right-of-way, in perpetuity, to B.C. Transit for approximately 93.4 sq.ft. in Central Park to accommodate the Patterson Street A.L.R.T. station.

REPORT

At its meeting of 1984 April 18, the Parks and Recreation Commission received a report recommending that the above consent be approved. By motion, the Commission approved the recommendation and forwarded it for the consideration of Council.

The construction of the A.L.R.T. Patterson Street station requires B.C. Transit to obtain a permanent aerial right-of-way for that portion of the station which overhangs Central Park.

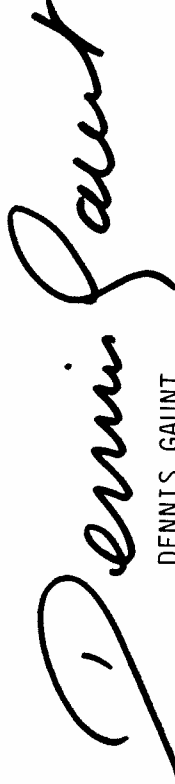
This is an area of approximately 93.4 sq.ft. and is shown on Attachment No:1.

As Central Park is leased to Burnaby from the Province, the right-of-way cannot be granted without Municipal consent and B.C. Transit has written to the Municipal Solicitor requesting this consent (Attachment No:2). In addition, the Ministry of Lands, Parks and Housing has requested Council's approval to the issuing of the right-of-way (Attachment No:3).

Staff have no objection to this procedure as the aerial right-of-way has no effect on park usage or development.

Attach.

C.C.
Director Planning & Building Inspection
Municipal Solicitor



DENNIS GAUNT
Director Rec. & Cultural Services

Norton, Stewart, Norton & Scarlett

BARRISTERS & SOLICITORS

TERRENCE W. STEWART
DOUGLAS W. SCARLETT
GARY M. HARASYM
DOUGLAS H. PEDLOW
ALEXANDER S. ANGUS

DAVID H. NORTON
KENNETH D. LANDELS
RODNEY K. WARD
KARL T. MARSDEN
SANDRA I. POSTL

JOHN W. NORTON
GARY W. DUNN
DUNCAN J. MANSON
WILLIAM J. RODGERS
MICHAEL P. LEROUX

1200 ROYAL CENTRE
P.O. BOX 11104
1088 WEST GEORGIA STREET
VANCOUVER, B.C. V6E 3P3

CABLE ADDRESS: STETON
TELEX: 04-83128
TELEPHONE: 697-0655

March 16, 1984

Municipality of Burnaby
4949 Canada Way
Burnaby, B.C.

Attention: Patricia Flieger

Dear Sirs:

Re: British Columbia Transit - and - Central Park

We write to advise that B.C. Transit has made application for right-of-way over a portion of the following Crown lands:

1. Municipality of Burnaby
That part of Lot 1 of
District Lot 151
Group 1
Plan 3076
Outlined in red on Right-of-Way Plan 44224
New Westminster District
2. Municipality of Burnaby
Part of Lot 1
District Lot 151
Group 1
Plan 3076
New Westminster District

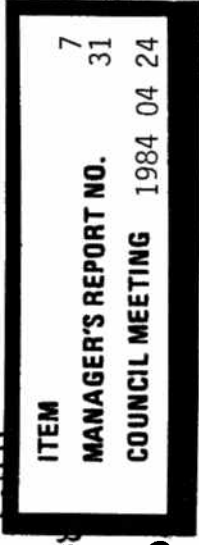
The volumetric area of the right-of-way is shown as set forth on the enclosed plan.

We are advised by the Ministry of Lands, Parks & Housing that it shall require a letter from the Municipality confirming that it does not object to the grant of right-of-way as requested. We would ask that you kindly provide the Ministry with the letter as requested.

...../2

ATTACHMENT NO:2

ITEM 3
DIRECTOR'S REPORT NO. 9
COMMISSION MEETING 84 04 18



March 16, 1984
Municipality of Burnaby
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We wish to confirm our earlier advice to your Ms. Flieger that our client is presently reviewing the term of right-of-way required. The Crown is unable to grant a right-of-way for any period in excess of sixty years without the prior approval by Order in Council. Our client is presently reviewing its requirements in this regard to determine whether an Order in Council will be necessary.

We invite you to contact the writer should you wish to discuss the foregoing matters.

Yours very truly,

NORTON, STEWART, NORTON & SCARLETT

Per:

Douglas H. Pedlow

Douglas H. Pedlow

DHP/kt
Enclosure

cc: British Columbia Transit
Attention: Stan Wong

ITEM ~~3~~
DIRECTOR'S REPORT NO. 9
COMMISSION MEETING 84 04 18

RECEIVED IN
PARKS
AND

RECREATION REFER FILE

MAR 30 1984

ITEM

DIRECTOR'S REPORT NO. 9

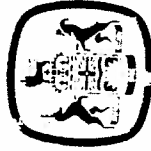
COMMISSION MEETING 84 04 18

3 9 IS

19	Initialed
<i>[Signature]</i>	

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CHMENT NO:3



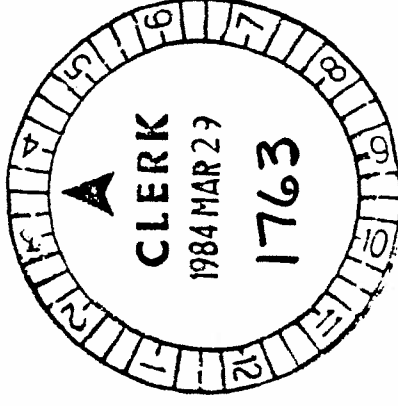
Province of
British Columbia

Ministry of Lands,
Parks and Housing

McLaren Centre
4240 Manor Street
Burnaby
British Columbia
V5G 1B2

Files: 2401624
2401627

84-03-26



His Worship William A. Lewarne
and Members of Council
District of Burnaby
4949 Canada Way
Burnaby, B.C.
V5G 1M2

Attention: James Hudson
Municipal Clerk

Dear Sirs:

Re: Application for Right of Way Tenure
By B.C. transit - Over an unsurveyed
Portion of Lot 1, District Lot 151,
Gp. 1, N.W.D., Plan 3076, located in
Central Park at Patterson Street and
the Rail Right of Way

The Ministry of Lands, Parks and Housing is in receipt of an application from British Columbia Transit, covering an area as outlined in red on the attached sketch, for use in connection with their Patterson Street station.

The station itself will not touch the park land but there will be an aerial encroachment by the station platform of some 93.4 square feet.

As Central Park is presently leased to the District of Burnaby, would you please provide this office with a resolution of Council which would agree to the Ministry issuing the required right of way.

If you have any questions on the matter, please do not hesitate to contact me at 438-5344.

Yours truly,

R. F. Gilmour
Manager, Land Administration

- AGENDA 1984 APRIL 09

- COPY - MANAGER
- DIRECTOR REC. &
CULT. SERVICES

RFG:sm
attachment

CORRESPONDENCE AND PETITIONS
Regular Council Meeting
1984 April 09

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188
PLAN 54233

98
PLAN 34618

121

PATTERSON AVENUE

359° 48' 19"

20.117

PLAN 44224
R/W
359° 48' 19"
4.572

359° 48' 19"
359° 48' 19"

WT. OIP
0.732
OIP 5.591
0.445
0.447
0.447
0.370
340° 57' 47"

LOT 1
PLAN 3076
CENTRAL PARK

POWER & HYDRO AUTHORITY

LOT 4095

LOT 4095

B. C. HYDRO

537.885
56'

1240

INGSWAY

O.S.M.

OIP

ITEM 3
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~~COMMISSION MEETING 84 04 18~~